

A C T

Rescinding two

A C T S,

Past in the last SESSION of

PARLIAMENT:

The one for excepting of persons from publick
Trust; And the other for voting the
same by Billets.

Edinburgh, the ninth of September, 1663.

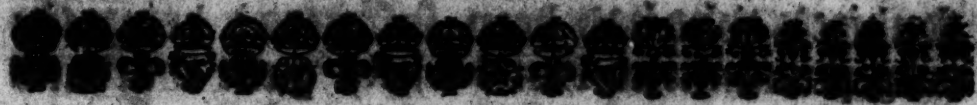


EDINBURGH,
Printed by *Evan Tyler*, Printer to the King's most Excellent
Majesty, 1663.

The one for extending an action on the part of the State, and the other for extending the term of the trial.

A circular, heavily worn and faded stamp or seal, possibly a library or archival mark, with illegible text and a central emblem. The stamp is dark and indistinct against the light background of the page.

Printed by Henry Taylor, Printer to the King's most Excellent Majesty, 1663.



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PARLIAMENT:

The one for excepting of persons from publick Trust; And the other for voting the same by Billers.

Edinburgh, the ninth of September, 1663.



Our Sovereign Lord, out of his innate goodness and love to this his ancient Kingdom, being desirous, that now, after so long troubles, a perfect peace be settled within the same, and that all his good Subjects might enjoy the happiness and blessings of his Government in a full and free Act of Indemnity, Pardon and Oblivion; Did, by his Instructions to the Earl of Middleton, his last Commissioner, before the second Session of this Parliament, Declare his Royal pleasure concerning Fines to be imposed, both as to the crimes, for which fining was allowed, and as to the proportions; and this moderat way of fining (which his Majesty intended to employ for the relief of his good

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Subjects

Subjects who had been sufferers) being the only punishment His Majesty gave Warrants for; And His Majesty being carefull to see His Royal Grace and Favour to His people extended as large as he intended it, he commanded the Act of Pardon and Indemnity to be transmitted to His own consideration, before His Royal consent were given to the same. In obedience whereunto, the Earl of Middleton, in summer, one thousand six hundred and sixty two, dispatched Sir George McKenzie of Tarbet to His Majesty, with a Letter of credit: He carried two draughts of an Act of Indemnity, the one excepted only as to Fines, the other excepted also as to incapacity from publick Trust, the last he publicly owned to be the desire of the Parliament, and earnestly pressed, in name of the Parliament, the incapacitating of some few of the most guilty, not exceeding twelve; to which His Majesty at last consented, merely to gratifie that which was represented to be the desire of so faithfull and loyal a Parliament: And having desired to know the truth hereof from His Parliament, they, by their unanimous opinions and votes, upon the twenty two of July last, Declared, that they gave no warrant to desire of His Majesty, that the Act of Indemnity should carry an exception of incapacitating from publick Trust, nor any warrant at all to desire, in their names, His Majesties consent to the incapacitating a few; and that notwithstanding thereof, they had seen the double of an Instruction given in the contrary by the Earl of Middleton to Sir George McKenzie, signed, and, in presence of the Parliament,

owned

(5)
owned by him to be a just double; bearing,
that it was much desired by the Parliament,
that some should be excepted from publick
Trust: And it was also declared by the Par-
liament, that there was no other ground for
incapacitating, but that it was his Maiesties
pleasure to have it so, and that this was the
rise of bringing in the Act of Billeting, as the
most expedient way of voting the Act of In-
capacitating: By which it appears, both his
Maiesty and his Parliament were abused, as
to that exception from publick Trust. And
Our Sovereign Lord considering, that this
way of Billeting had no colour of Warrant
from his Maiesty, and that his Royal consent
was given to it without his knowledge, and
very far from his intention; and that in the
contribution and carrying on of the same, sin-
strous courses were taken, and designs laid,
for incapacitating the Earls of Orford and
Lauderdail, and Sir Robert Murray, Persons,
who for their eminent loyalty to, and great and
long sufferings for, his Maiesty, are deservedly
in his high esteem, and who, for the time, had
the special approbation of this present Parlia-
ment for these great employments they had
from his Maiesty, as his Officers of State and
otherwayes; and that therefore he hath, with
much reason, declared himself most unsatis-
fied therewith: Yet, he doth not attribute the
concurrance of his Parliament in Billeting to
any thing, but to their unparallel'd affection to
his Person and Service, and their obsequious
compliance to every thing was represented
to them to be his Maiesties intention, or which
might be acceptable to his Maiesty. And con-
sidering

sidering the Way of Billeting to be most pernicious in it self, and of a most dangerous consequence, as tending to the dishonour of His Majesty and His Parliament, and to the subversion of all Justice and Government; it being a way never before that time practised in this Kingdom, or in any other place, under Monarchical Government; being so derogatory to His Majesties Authority and Royal Dignity, and so contrary to the honour, freedom and gravity of Parliaments, to all former Practises, and to the rules of common Justice; every man, even these of greatest merit, being thereby rendred unsecure of their honour, estates, liberties and lives; His Majesties Officers of State and those of nearest relation to Him, being exposed to infamy and ruine, to be, by colour of His Authority without His knowledge, torn from Him; and His Royal Prerogative, in the choise of His Councillors and Servants asserted in this present Parliament, violated and made contemptible, and all His Majesties good Subjects made lyable to censures, without being accused, heard, or legally condemned. In regard of all which, Our Sovereign Lord, with consent, and by the special advice of His Estates in Parliament, Doth hereby Rescind and Annul two Acts, past in the last Selsion of this Parliament, on the ninth of September, one thousand six hundred and sixty two; the one Entituled, Act appointing the manner of voting by Billets, and the other Entituled, Act concerning persons to be excepted from publick Trust, together with the Clauses relating thereto in the Act of Indempnity and in the Act of Fines; and Declares the saids two Acts, with the

Clauses

Clauses aforesaid relating thereto, to have been from the beginning, to be now, and in all time coming, void and null; and Ordains the same to be expunged and razed out of the Records. Likeas accordingly, the saids principal Acts being called for and presented in Parliament, were publickly torn and destroyed; and the Act of Indemnity and Act for Fines, with the Records of the minutes of Parliament, being also called for, the Clauses contained therein, relating to the excepting of persons from publick Trust, and the voting of it by Billets, were expunged out of the same: And the Clerk Register is hereby Ordained to take care, that from henceforth the Act of Indemnity and Act for Fines be extracted and recorded according to these amendments, and that any extracts already given out, be void and null, as to these Clauses thus amended. Likeas, Our Sovereign Lord, to evidence His just dislike of so pernicious a course, Doth, with advice and consent foresaid, Discharge all voting by Billets for the future.

And forasmuch, as the Parliament, in obedience to His Maiesties commands, did transmit to His Maiesty, the original Depositions of those who were examined, concerning this whole business, to the end he might declare His further pleasure; His Maiesty Declares, That having taken all that relates to the business of Billeting into serious consideration, he will, in convenient time, make known His further pleasure therein.

E D I N B U R G H,

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Majesty, 1663.

